

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION

UNITED STATES OF AMERICA,) CRIMINAL NO.: 1:21-cr-226
)
Plaintiff,)
) JUDGE PAMELA A. BARKER
vs.)
)
)
DAVIS LU,)
)
Defendant.)

**UNOPPOSED MOTION TO CONTINUE PRETRIAL
MOTION DEADLINE, FINAL PRETRIAL AND JURY TRIAL**

Now comes the Defendant, by and through undersigned counsel, Friedman, Nemecek & Long, L.L.C., and hereby respectfully requests that this Honorable Court continue the pretrial motion deadline, final pretrial, and jury trial dates. Counsel has discussed the instant request with Assistant United States Attorneys Brian Deckert and Dan Riedl, who indicated that the Government does not oppose a continuance of these proceedings. Furthermore, in conferring with AUSAs Deckert and Riedl, the parties will be available to begin trial on June 7, 2024, or at a later time per this Honorable Court's schedule.

The Defendant respectfully submits that the ends of justice would be served by granting this request. The Defendant acknowledges that the extension of time caused by this continuance constitutes excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161, *et. seq.* Furthermore, counsel submits that Defendant's right to due process of law and effective representation outweigh the best interest of the public and the Defendant to a speedy trial, 18 U.S.C. § 3161(h)(7)(A), since the failure to grant such continuance would deny counsel for Defendant the necessary time to effectively prepare and present a defense in this matter, taking into account the

exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv). The Defendant therefore expressly waives time under the Speedy Trial Act until this matter is reset for – and proceeds to – trial.

WHEREFORE, the Defendant, Davis Lu, hereby respectfully requests that this Honorable Court continue the presently scheduled pretrial motion deadline, final pretrial and trial dates.

Respectfully submitted,

Dated: January 24, 2024

/s/ Eric C. Nemecek

Eric C. Nemecek (0083195)
Ian N. Friedman (0068630)
Counsel for Defendant
Friedman Menashe Nemecek & Long, L.L.C.
1360 East 9th Street, Suite 650
Cleveland, Ohio 44114
P: (216) 928-7700
F: (216) 820-4659
E: ecn@fanlegal.com
E: inf@fanlegal.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was filed by CM/ECF on the 24th day of January, 2024, which will send a notification of such filing electronically to the following:
Brian Deckert, Assistant United States Attorney, 801 Superior Avenue, Cleveland, OH 44113.

Respectfully submitted,

/s/ Eric C. Nemecek
ERIC C. NEMECEK
IAN N. FRIEDMAN
Counsel for Defendant